

Public Health (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

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43. Definitions.
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B I L L

TO

Amend the Law relating to Public Health in Ireland.

A.D. 1874.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

5 *Preliminary.*

1. This Act may be cited for all purposes as the Public Health (Ireland) Act, 1874.

Sanitary Authorities.

2. From and after the passing of this Act Ireland shall be divided into sanitary districts to be called respectively—
 (1.) Urban sanitary districts; and
 (2.) Rural sanitary districts;

Urban and rural sanitary districts.

and such urban and rural sanitary districts shall respectively be subject to the jurisdiction of local authorities, in this Act called
 15 urban sanitary authorities and rural sanitary authorities, invested with the powers in this Act mentioned.

3. Urban sanitary districts shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban sanitary authorities shall be the several bodies
 20 of persons specified in the second column of the said table in relation to the said places respectively.

Description of urban sanitary districts and urban sanitary authorities.

[Bill 53.]

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A.D. 1874.

TABLE above referred to.

| Urban Sanitary District. | Urban Sanitary Authority. |
|---|--|
| The City of Dublin - - - - - | The Right Honourable the Lord Mayor, Aldermen, and Burgesses acting by 5 the Town Council. |
| Towns corporate, with exception of Dublin - - | The Mayor, Aldermen, and Burgesses acting by the Town Council. |
| Towns having Commissioners appointed by virtue of an Act made in the sixth year of the reign of George the Fourth, intitled "An Act to make provision for the 10 " lighting, cleansing, and watching of cities and " towns corporate and market towns in Ireland in " certain cases." | The Commissioners. 15 |
| Towns having Municipal Commissioners under 3 & 4 Vict. c. 108. | The Municipal Commissioners. |
| Towns having Town Commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 105), or under any Local Act. | The Town Commissioners. 20 |
| Townships having Commissioners under Local Acts - | The Township Commissioners. |

Description
of rural sanitary
districts
and rural
sanitary
authorities.

4. The area of every poor law union, with the exception of those portions (if any) of the area which are included in urban sanitary districts, shall form a rural sanitary district, and the guardians of 25 the union shall be the rural sanitary authority of such district, subject to the following conditions; that is to say,

- (1.) No elective guardian of any electoral division belonging to such union and forming or being wholly included within an urban sanitary district shall act or vote in any case in 30 which guardians of such union act or vote in their capacity of members of the rural sanitary authority:
- (2.) Where part of an electoral division belonging to a union forms or is situated in an urban sanitary district, the Local Government Board may, by order, divide such electoral 35 division into separate wards and determine the number of guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the part of the electoral division lying within the rural sanitary district; but until such order has been made the guardian 40 or guardians of such electoral division may act and vote as members of the rural sanitary authority in the same manner as if no part of such electoral division formed part of or was situated in an urban sanitary district:

(3.) An ex-officio guardian resident in any electoral division, or part thereof, belonging to such union which forms or is situated in an urban sanitary district, shall not act or vote in any case in which guardians of such union act or vote in their capacity of members of the rural sanitary authority unless he is the owner or occupier of property situated in the rural sanitary district of a value sufficient to qualify him as an elective guardian for the union.

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5 5. The Local Government Board shall have power, by provisional order, to separate from a rural sanitary district any town or district wholly situate therein and to constitute it an urban sanitary district subject as such to all the provisions of this Act affecting urban sanitary districts; and the said Board shall likewise have power, by provisional order, to add any town or township hereby constituted an urban sanitary authority to the rural sanitary district in which it is situate, to be subject thereafter to all provisions of this Act affecting rural sanitary districts; all such provisional orders to be framed, after petition from the inhabitants, in accordance with the Local Government (Ireland) Act, 1871, and to take effect when confirmed by Parliament.

Power to alter sanitary districts.

6. The first meeting of a sanitary authority under this Act shall be held within *twenty-eight days* after the passing of this Act, on such day as may be directed by order of the Local Government Board in each case.

First meeting of sanitary authority.

7. Subject to the provisions of this Act, except as herein-after is excepted, and from and after the first meeting of a sanitary authority in pursuance of this Act, there shall be transferred and attach to such sanitary authority, to the exclusion of any other authority which may have previously exercised or been subject to the same, all powers, right, duties, capacities, liabilities, and obligations within such district exercisable or attaching by and to the sewer authority under the Sewage Utilisation Acts, and by and to the nuisance authority under the Nuisances Removal Acts, and by and to the local authority under the Common Lodging Houses Acts, the Artisans and Labourers Dwellings Act, and the Bakehouse Regulation Act, or by and to any of the said authorities under any of such Acts or any Acts amending such Acts.

Powers and duties of sanitary authority.

Where the Baths and Washhouses Acts and the Labouring Classes Lodging Houses Acts, or any of them, are in force within the district of any sanitary authority, such authority shall have all powers, rights, duties, capacities, liabilities, and obligations in relation to such Acts exercisable by or attached to the council, town com-

A.D. 1874. commissioners, and other commissioners or persons acting in the execution of the said Acts, or any of them.

Where the Baths and Washhouses Acts are not in force within the district of any sanitary authority, such sanitary authority may adopt such Acts, and where the Labouring Classes Lodging Houses Acts are not in force within the district of any sanitary authority, such sanitary authority may adopt such Acts.

Powers relating to the treatment of disease vested in boards of guardians of the union in which the sanitary authority is situate

8. Under the provisions of the Diseases Prevention Act the execution of all powers relating to the treatment of disease, and the establishment and maintenance of hospitals, the conveyance of the sick, the disinfection of clothes or dwellings, and the interment of the dead, created by the said Act or any other Act, or arising out of any order of the Local Government Board, shall vest in the board of guardians of the union in which the district of the sanitary authority is situate, and the expenses so incurred shall be charged on the poor rates as expenses arising under the Poor Law Acts or the Medical Charities Act, as the case may be.

Transfer of property to sanitary authority, and effect of transfer of property and powers.

9. From and after the first meeting of the sanitary authority of a sanitary district, all such property, real and personal, including all interest, easements, and rights in, to, and out of property, real and personal (including things in action), as belongs to or is vested in, or would but for this Act have belonged to or been vested in, any authority whose powers, rights, duties, capacities, liabilities, and obligations are transferred to the sanitary authority shall, so far as such property is applicable to and for the purposes of any such powers, rights, duties, liabilities, capacities, or obligations, pass to and vest in the sanitary authority, subject to all debts, liabilities, and obligations affecting the property so transferred.

All debts, liabilities, and obligations incurred by the authority whose powers, rights, duties, liabilities, capacities, and obligations are so transferred may be enforced against the sanitary authority to the same extent and in the same manner as they might have been enforced against the authority from which such transfer has taken place; and such last-mentioned authority shall be deemed to be discharged from such debts, liabilities, and obligations.

All property by this section transferred to a sanitary authority shall be held by it upon trust for the district or several places respectively within its jurisdiction to which such property belonged, or for the benefit of which such property was held previously to its transfer.

Sanitary officers and superintendent officers of health.

10. Every medical officer of a dispensary district shall be a sanitary officer for such district, or for such part thereof as he shall personally be in charge of, with such additional salary as the Local

Government Board, with the consent of the Commissioners of Her Majesty's Treasury shall determine or approve; and every sanitary authority, whether urban or rural, shall appoint in addition an

A.D. 1874.

inspector of nuisances and such other sanitary officers, including

a superintendent officer of health when deemed necessary, as the

Local Government Board shall in each case direct, with such salaries or additional salaries as the said Board, with such consent as afore-

said, shall determine or approve; and the said Board shall assign to

the dispensary medical officers, to the inspectors of nuisances, and

to the other sanitary officers, if any, and to the superintendent officer

of health, if such an officer be appointed for the sanitary district,

their respective duties and functions in the discovery or inspection

or removal of nuisances, in the supply of pure water, in the making

or repairing of sewers and drains, or in generally superintending the

execution of the sanitary laws within the district.

Every such salary or additional salary so determined or approved

shall be payable from such local fund as the Local Government

Board shall indicate as properly chargeable therewith, and such

part thereof as Parliament shall from time to time determine shall

be recouped to such local fund out of moneys to be voted by Parlia-

ment; and the Local Government Board shall have the same

powers with regard to the qualification, appointment, duties, salary,

and tenure of office of every sanitary officer as they have in the

case of the medical officer of a dispensary district.

11. Inspectors of the Local Government Board may attend any

meetings of sanitary authorities; and such inspectors shall, for the

purposes of any inquiry directed by the said Local Government

Board, in relation to witnesses and their examination, the produc-

tion of papers and accounts, the inspection of places and matters

required to be inspected, have for the purposes of the Sanitary Acts

or Burial Grounds Acts similar powers to those which inspectors

have under the Acts relating to the poor law and under the Medical

Charities Act for the purposes of those Acts.

12. All expenses incurred or payable by an urban sanitary

authority under the Sanitary Acts shall be defrayed as follows;

that is to say,

(1.) In the case of the council of a borough, out of the borough

fund or borough rate:

(2.) In the case of commissioners under any of the Acts specified

in the second column of the table contained in section

three or of any Local Act, out of any rate leviable by

them as such commissioners throughout the whole of their

district:

Powers of
Inspectors of
Local Gov-
ernment
Board.

Expenses of
urban sani-
tary au-
thority.

A.D. 1874.

Provided that where an urban sanitary authority had before the passing of this Act power to levy within its district a rate or rates for paving, sewerage, or other sanitary purposes, all expenses incurred by such authority in the performance of its duties under the Sanitary Acts shall be defrayed out of such rate or rates, except where at the time of the passing of this Act any such expenses were chargeable upon the borough fund or borough rate, in which case such expenses shall continue so chargeable.

Expenses of
rural sanitary
author-
ity.

13. The expenses incurred by a rural sanitary authority under the Sanitary Acts shall be divided into general expenses and special expenses.

General expenses, other than those chargeable upon owners and occupiers under the Sanitary Acts, shall be the expenses of the establishment and officers of the sanitary authority, and all other expenses not determined by this Act or the order of the Local Government Board to be special expenses.

Special expenses shall be the expenses of the construction of sewers in any contributory place within the district, the providing a supply of water to any such place, and all other expenses incurred or payable by the sanitary authority in or in respect of any contributory place within the district, and determined by the order of the Local Government Board to be special expenses.

When the rural sanitary authority makes any sewers or provides any water supply or executes any other work under the Sanitary Acts for the common benefit of any two or more contributory places within its district, it may apportion the expense of constructing any such work and of maintaining the same, in such proportions as it thinks just, between such contributory places; and any expense so apportioned to any such contributory place shall be deemed to be special expenses legally incurred in respect of such contributory place.

Ten or more ratepayers of any contributory place, if aggrieved by any such apportionment, may send or deliver a memorial to the Local Government Board stating their grounds of complaint, and the said Board may make such order in the matter as to it may seem equitable, and the order so made shall be binding and conclusive upon all parties concerned.

General expenses shall be payable out of a common fund to be raised out of the poor rate of the electoral divisions or parts thereof in the district according to the rateable value of each electoral division or part thereof in manner hereinafter mentioned.

Special expenses shall be a separate charge on each contributory place.

The following areas situated in a rural sanitary district shall be contributory places for the purposes of this Act; that is to say, A.D. 1874

(1.) The dispensary district:

(2.) The electoral division:

6 (3.) The townland:

Provided that the Local Government Board shall have power to determine on what area of charge being a contributory place any special expenses shall be chargeable.

14. For the purpose of obtaining payment for special expenses from the several contributory places within its district the board of guardians, being the rural sanitary authority, shall levy the same by a special poundage rate, to be added to the poor rate on such contributory places and to be collected therewith by the collectors of the poor rate and lodged to the credit of the guardians with the treasurer of the union; and the expenditure thereof shall be brought to account in such form and manner as the Local Government Board shall from time to time by any general order direct; and if not otherwise directed by such general order, the sums levied by such special poundage and placed to the credit of the board of guardians shall be applied by them in discharge of the special expenses incurred as aforesaid on account of such contributory places respectively. Mode of raising contributions in rural sanitary district.

15. Every sanitary authority being a port nuisance authority under the provisions of an Act passed in the thirty-seventh year of Her Majesty, entitled "An Act to amend the Sanitary Act, 1866," so far as the same relates to the nuisance authorities of ports in "Ireland," shall, with the consent in writing of the Local Government Board, be empowered to purchase or hire any building for the purpose of an hospital for the reception and treatment of persons affected by dangerous contagious disease, or to purchase land for the purpose of erecting the same, and for these purposes the Lands Clauses Acts are incorporated herewith: Provided always, that for the purposes of such incorporation the terms "special Act" and "promoters of the undertaking" in the Lands Clauses Acts shall be construed to mean respectively the consent in writing of the Local Government Board, and any sanitary authority being such a nuisance authority as aforesaid. Compulsory powers to purchase land for hospitals.

16. Whereas by the Burial Grounds (Ireland) Act, 1856, section 18, it is provided that the Lands Clauses Consolidation Act, 1845, excepting, among other provisions, the provisions of that Act "with respect to the purchase and taking of lands otherwise than by agreement," shall be incorporated with the said Act, Incorporation of certain provisions of Lands Clauses Consolidation

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A.D. 1874.
Act with
Burial
Grounds Act.

and it is expedient that those provisions of the Lands Clauses Acts should be incorporated with the said Burial Grounds Act: Be it enacted, that from and after the passing of this Act the provisions of the Lands Clauses Acts "with respect to the purchase" and taking of lands otherwise than by agreement" shall be incorporated with the said Acts, and they are hereby incorporated therewith.

Provided always, that before putting in force any of the powers of the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement, any burial board shall do all acts, matters, and things, and proceed in manner prescribed by section four of the Local Government (Ireland) Act, 1871, in like manner in every respect as if such burial board were a governing body desiring to put the said provisions of the Lands Clauses Acts in force; and for such purposes the said section four is incorporated herewith, and for the purposes of such incorporation the terms "governing body" and "chief secretary" in the said section shall be construed to mean respectively "burial board" and "Local Government Board."

Repeal of
s. 4. of Sanitary
Act,
1866.

17. The fourth section of the Sanitary Act, 1866, is hereby repealed.

Union of Districts.

Formation
of united
district.

18. Where it appears to the Local Government Board, on the application of the sanitary authorities of any sanitary districts, or of any of such authorities, and after due inquiry, that it would be for the advantage of such sanitary districts, or any of them, or any parts thereof, or of any contributory places in any rural sanitary district or districts, to be formed into a united district for all or any of the purposes following; that is to say,

- (1.) The procuring a common supply of water; or
- (2.) The making a main sewer or carrying into effect a system of sewerage for the use of all such districts or contributory places; or
- (3.) For any other purposes of the Sanitary Acts or Burial Ground Acts,

the said Local Government Board may, by provisional order, form such districts or contributory places into a united district.

Mode of
forming
united dis-
trict.

19. The following enactments shall take effect in relation to making a provisional order forming a united district; that is to say,

- (1.) Notice of the provisional order shall be published in some newspaper circulating in the district to which it relates,

and in such other manner as the Local Government Board may direct: A.D. 1874.

(2.) All costs, charges, and expenses of and incidental to the formation of a united district shall, in the event of the united district being formed, be a first charge on the rates leviable in the united district in pursuance of this Act:

(3.) The making of a provisional order shall be *prima facie* evidence that all the requirements of this Act in respect of proceedings required to be taken previously to the making of such provisional order have been complied with.

20. The governing body of a united district shall be a joint board consisting of such *ex-officio* members and of such number of elective members as the Local Government Board may, by the provisional order forming the district, determine. Governing body of united district.

A joint board shall be a body corporate by such name as may be determined by the provisional order, having a perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution without any license in mortmain.

No act or proceeding of a joint board shall be questioned on account of any vacancy or vacancies therein.

No defect in the qualification or election of any person or persons acting as a member or members of a joint board shall be deemed to vitiate any proceedings of such board in which he or they has or have taken part.

Any minute made of proceedings at a meeting of a joint board, if signed either at the meeting at which such proceedings took place or at the next ensuing meeting by any person purporting for the time being to be the chairman of the board, shall be receivable in evidence of such proceedings in all legal proceedings without further proof, and until the contrary is proved every meeting of a joint board where minutes have been so made of the proceedings shall be deemed to have been duly convened and held and all the members thereof to have been duly qualified.

No member of a joint board by being party to or executing in his capacity of member any contract or other instrument on behalf of the board, or otherwise exercising any of the powers given to the board, shall be subject individually to any action, suit, trial, prosecution, or other legal proceeding; and a joint board may apply any moneys from time to time coming into its hands for the purpose of paying any costs of legal proceedings or damages it may incur in the exercise of the powers granted to it: Provided that nothing in this section shall exempt any member of a joint board

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A.D. 1874.

from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such joint board, and which such member authorised or joined in authorising.

Regulation
as to con-
stitution of
joint board.

21. The provisional order forming a united district under this Act shall define the purposes for which such united district is formed, and the powers, rights, duties, capacities, liabilities, and obligations under the Sanitary Acts which the joint board is authorised to exercise or perform or is made subject to, and shall contain regulations as to the qualification and mode of election of elective members of the joint board, as to their continuance in office, as to casual vacancies in the joint board, as to its meetings and officers, and any other matter or thing, including the adjustment of present and future liabilities and property with respect to which the Local Government Board may think fit to make any regulations for the better carrying into effect the provisions of this Act with respect to united districts. 5 10 15

Upon the constitution of a joint board the sanitary authorities having jurisdiction in the component districts or contributory places shall cease to exercise therein any powers, or to perform any duties, or to be subject to any liabilities or obligations which the joint board is authorised to exercise or perform or is made subject to; nevertheless the said joint board may delegate to the sanitary authority of any component district the exercise of any of its powers for the performance of any of its duties. 20 25

Expenses
incurred by
joint board,
how to be
defrayed.

22. Any expenses incurred by a joint board in pursuance of this Act, unless otherwise determined by the provisional order, shall be defrayed out of a common fund to be contributed by the component districts or contributory places in proportion to the rateable value of the property in each district or contributory place, such value to be ascertained according to the valuation list in force for the time being. 30

A joint board may borrow and take up at interest on the credit of such common fund any sums of money necessary for defraying any such expenses, subject to the regulations of the Local Government (Ireland) Act, 1871, with respect to borrowing under that Act. 35

Payment of
contribu-
tions to joint
board.

23. For the purpose of obtaining payment from component districts of the sums to be contributed by them the joint board shall issue its precept to the sanitary authority of each component district stating the sum to be contributed by it and requiring such authority, within a time limited by the precept, to pay the sums therein men- 40

tioned to the joint board or to such person as the joint board may direct. A.D. 1874.

Any sum mentioned in a precept addressed by a joint board to a sanitary authority as aforesaid shall be a debt due from it, and may be recovered accordingly; such contribution, in the case of a rural sanitary authority, being deemed to be general expenses.

For the purpose of obtaining payment from contributory places of the sums to be contributed by them, the joint board shall have the same powers of issuing precepts and of recovering the amounts named therein as if such contributory places formed a rural sanitary district and the joint board were the sanitary authority thereof.

24. A sanitary authority unto whose district the district of another sanitary authority is subjacent may, by agreement with the last-mentioned authority and with the sanction of the Local Government Board given on the application of the first-named authority, after public inquiry, if the said Local Government Board think such inquiry necessary, cause the sewers of its district to communicate for the purpose of outfall with the sewers of the subjacent district, and for the purpose of reception, disinfection, distribution, and disposal of the sewage of such first-named authority by the authority of the subjacent district, or for all, any, or either of those purposes, upon such terms as to payment or otherwise, in such manner as to making and maintaining the outfall, and with and subject to such conditions, precautions, and restrictions as shall be agreed upon between the sanitary authorities, or in case of dispute shall be settled by the Local Government Board: Provided that so far as practicable storm waters shall be prevented from flowing from the sewers of the higher into the sewers of the subjacent district, and that the sewage of other districts or places shall not be permitted by the sanitary authority of the higher district to pass into their sewers so as to be discharged through such outfall into the sewers of the subjacent district without the consent of such last-mentioned district; and all expenses incurred in pursuance of this section by the said sanitary authorities, or either of them, shall be deemed to be expenses incurred by them respectively in performance of their duties under the Sanitary Acts, and be respectively payable accordingly out of the rates out of which such expenses are by this Act made payable, or out of moneys duly borrowed on the credit of such rates.

Use of sewer of subjacent district for outfall of district above it.

Repeal of Acts.

25. The Local Government Board may, on the application of the sanitary authority of any district, by provisional order, [63.]

Repeal of Local Acts.

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A.D. 1874. wholly or partially repeal, alter, or amend any Local Acts, other than Acts for the conservancy of rivers, in force in such district, and not conferring powers or privileges upon corporations, companies, undertakers, or individuals for their own pecuniary benefit, which relate to the same subject matters as the Sanitary Acts. 5

If any officer of any trustees, commissioners, or other body of persons intrusted with the execution of any such Local Act, and whether acting exclusively under the Local Act or partly under the Local Act and partly under provisions of the Local Government Act, is, by or in pursuance of any such provisional order or of this 10 Act, removed from his office or deprived of the whole or part of the emoluments of his office, and is not employed in an office of equal value by the authority of any sanitary district, the Local Government Board may by order award to such officer such compensation as the said Board may think just; and such com- 15 pensation may be by way of annuity or otherwise, and shall be paid by the authority of the sanitary district in which such officer held his office out of the rates applicable to sanitary purposes within that district.

Miscellaneous.

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As to con-
sent of
Local Go-
vernment
Board re-
quired in
certain cases.

26. Where in any Local Acts the consent, sanction, or confirma-
tion of the Lord Lieutenant, the chief secretary of the Lord Lieut-
enant, or the Privy Council is required with respect to the borrow-
ing of any money, to the giving effect to any byelaws, or to the
appointment of any officer for sanitary purposes, the consent, 25
sanction, or confirmation of the Local Government Board shall, after
the passing of this Act, be required instead of that of the authorities
above named.

The consent of the Local Government Board, and not that of
the Treasury, shall be required to the borrowing of money for 30
the purposes of the Baths and Washhouses Acts.

The approval of the Local Government Board, and not that of
the Lord Lieutenant, shall be required for the appointment and
removal of analysts under an Act of the session holden in the
twenty-third and twenty-fourth years of the reign of Her Majesty, 35
intituled "An Act for preventing the adulteration of articles of
food or drink."

If any question arises as to what are sanitary purposes
within the meaning of this section, the determination of the
Local Government Board on such question shall be conclusive. 40

Transfer of
powers and
duties of

27. It shall be lawful for the Lord Lieutenant, by Order in
Council, at any time before the *first day of January one thousand*

eight hundred and seventy-five, to direct that the powers and duties of the Board of Trade under the "Alkali Act, 1863," and any Act amending the same, shall be transferred to the Local Government Board; and *from and after the date of such order*, or if no such order shall be made then *from and after the said first day of January one thousand eight hundred and seventy-five*, the powers and duties of the Board of Trade under the said Acts shall be transferred to and be exercisable and performed in Ireland by the Local Government Board; and "the Local Government Board for Ireland" shall be deemed to be substituted for "the Board of Trade" wherever the latter expression occurs in the said Acts.

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Board of
Trade under
Alkali Act,
1863, to
Local Go-
vernment
Board.

28. Upon the application of any authority from whom or to whom any powers, rights, duties, capacities, liabilities, obligations, and property, or any of them, are transferred or alleged or claimed to be transferred in pursuance of this Act, or of any person affected by such transfer, the Local Government Board may by order settle any doubt or difference and adjust any accounts arising out of or incidental to such powers, rights, duties, capacities, liabilities, obligations, or property, or to the transfer thereof, and direct the parties by whom and to whom any moneys found to be due are to be paid, and the mode of raising such moneys; and any provisions contained in any order so made shall be deemed to have been made in pursuance of and to be within the powers conferred by this section, subject to this proviso, that where any such order directs any rate to be made or other act or thing to be done which the party required to make or do would not, apart from the provisions of this Act, have been enabled to make or do by law, such order shall be provisional only until it has been confirmed by Parliament.

Settlement
of differences
arising out
of transfer
of powers or
property to
sanitary
authority.

29. Any sanitary authority may, for the purpose of defraying any costs, charges, and expenses incurred or to be incurred by it in the performance of its duties under the Sanitary Acts, borrow and take up at interest any sums of money necessary for defraying any such costs, charges, and expenses, subject to the regulations in the Sanitary Acts.

Power of
raising
money on
credit of
rates.

An urban sanitary authority may borrow and take up at interest such money on the credit of all or any rates or rate out of which it is authorised by the Sanitary Acts to pay any expenses incurred by it for sanitary purposes, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon.

A.D. 1874. A rural sanitary authority may borrow and take up at interest such money, if intended to be applied to purposes constituting the general expenses of such authority, on the credit of the common fund out of which such expenses are payable, and if intended to be applied to purposes constituting the special expenses of such 5 authority, on the credit of any rate or rates out of which such expenses are payable, and may mortgage any such rate or rates to the persons by or on behalf of whom such money is advanced for securing the repayment to them of the sums borrowed, with interest thereon.

The words "permanent works" in the Local Government Act, 1868, shall include any works the cost of which, in the opinion of the Local Government Board, ought to be spread over a term of years.

The clauses of the Commissioners Clauses Act, 1847, with respect to the mortgages to be executed by the commissioners shall be 15 incorporated with this Act; and in the construction of that Act "the special Act" shall mean this Act; "the commissioners" shall mean any authority authorised to borrow by this Act; "the clerk of the commissioners" shall include any officer appointed for the purpose by any such authority.

The mortgagees or assignees of any mortgage made in pursuance of this Act may enforce payment of the arrears of principal and interest due to them by the appointment of a receiver.

Powers of
raising
money on
credit of
sewerage land
and plant.

30. Where any sanitary authority or joint board is possessed of any land, works, or other property in pursuance and for the purposes 25 of the Sewage Utilisation Act, 1867, such authority or joint board may borrow any moneys on the credit of such lands, works, or other property, and may mortgage such lands, works, or other property to any person advancing such moneys, in the same manner in all respects as if such sanitary authority or joint board were the 30 absolute owner, both at law and in equity, of the lands, works, or other property so mortgaged. The moneys so borrowed shall be applied for purposes for which moneys may be borrowed under the Sanitary Acts; but it shall not be in any way incumbent on the mortgagees to see to the application of such moneys, nor shall they 35 be responsible for any misapplication thereof.

The powers of borrowing conferred by this section shall, where the sums borrowed do not exceed *three fourths* of the purchase money of such lands (but not otherwise), be deemed to be distinct 40 from and in addition to the general borrowing powers conferred on a sanitary authority or joint board by the Sanitary Acts. The sanitary authority or joint board may pay out of any rates leviable by it for sanitary purposes the interest on any moneys borrowed by such authority or joint board in pursuance of this section.

A.D. 1874.

Limit of
rating under
Local Acts
not to apply
to expenses
for sanitary
purposes.
Amendment
of s. 60 of
27 & 28 Vict.
c. 100.

31. Any limit imposed on or in respect of any rate by any Local Act of Parliament shall not apply to any rate required to be levied for the purpose of defraying any expenses incurred by a sanitary authority for sanitary purposes.

5 32. Where in any town in which the Towns Improvement (Ireland) Act, 1853, is in force the provisions of that Act with respect to water have been adopted, the amount of any assessment under section sixty of the said Act may, notwithstanding the limitations in the said section contained, amount to but shall not
10 exceed the rate of *two shillings* in the pound.

33. The Public Works Loan Commissioners may, with the consent of the Commissioners of Her Majesty's Treasury, on the recommendation of the Local Government Board, make any loan to any sanitary authority in pursuance of any powers of
15 borrowing conferred by the Sanitary Acts, whether for works already executed or yet to be executed; such loan to be repaid within a period not exceeding *thirty or fifty years* as provided by those Acts, and to bear interest at the rate of *three and a half per centum per annum* or such other rates as may, in the judgment
20 of the Commissioners of the Treasury, be necessary in order to enable the loan to be made without loss to the Exchequer, on the security of any fund or rate applicable to sanitary purposes, and without requiring any further or other security.

Public
Works
Loan Com-
missioners
may lend
to sanitary
authority on
security of
rates.

Provided as follows:

- 25 (1.) That in determining the time when a loan under this section shall be repayable the Local Government Board shall have regard to the probable duration and continuing utility of the works in respect of which the same is required:
- 30 (2.) That in the case of any loan already made to any sanitary authority in pursuance of any powers conferred by the Sanitary Acts the Public Works Loan Commissioners may reduce the interest payable thereon to the rate of not less than three and a half per centum per annum:
- 35 (3.) That this section shall not extend to any loan under "The Sanitary Loans Act, 1869," required for the purpose of defraying the expenses incurred or to be incurred by the Local Government Board in the performance of the duty of a defaulting local authority after the passing of this Act.

34. The Local Government Board shall not make any pro-
40 visional order under this Act unless public notice shall have been previously given by advertisement in *two successive weeks* in some newspaper published or circulating in the district to which

Continuation
of pro-
visional orders
by Parlia-
ment.

A.D. 1874.

such provisional order relates, and after hearing any objections which may be made thereto by any persons affected thereby, and in cases where the subject-matter is one to which a local inquiry is applicable, until it has made, by one of its inspectors, a local inquiry of which public notice has been given and at which all persons 5 interested have been permitted to attend and make objections

The Local Government Board may submit to Parliament for confirmation any provisional order made by it in pursuance of this Act, but any such provisional order shall be of no force whatever unless and until it is confirmed by Parliament. If while 10 the Bill confirming such order is pending in either House of Parliament a petition is presented against any provisional order comprised therein, the Bill, so far as it relates to such order, may be referred to a select committee, and the petitioners shall be allowed to appear and oppose as in the case of a Bill for a special Act. 15

Any Act confirming any provisional order issued in pursuance of the Sanitary Acts, or any of them, may be repealed, altered, or amended by any provisional order made by the Local Government Board and duly confirmed by Parliament. The Local Government Board may revoke, either wholly or partially, any provisional order 20 made by them before the same is confirmed by Parliament; but such revocation shall not be made whilst the Bill confirming the order is pending in either House of Parliament.

Costs of provisional orders.

35. The reasonable costs of any sanitary authority in respect of provisional orders made in pursuance of the Sanitary Acts, or any of 25 such Acts, and of the inquiry preliminary thereto, as sanctioned by the Local Government Board, whether in promoting or opposing the same, shall be deemed to be expenses properly incurred for sanitary purposes by the sanitary authority interested in or affected by such provisional orders, and such costs shall be paid 30 accordingly; and if thought expedient by the Local Government Board the sanitary authority may contract a loan for the purpose of defraying such costs.

Orders of the Local Government Board, how to be published.

36. Every order of the Local Government Board under the Sanitary Acts (unless otherwise prescribed by the said Acts) 35 shall be published in such manner as that Board may direct; and every general order of the Local Government Board made in pursuance of the Poor Law Acts shall be published in the Dublin Gazette, and when so published shall take effect in like manner and shall be of as much force and validity as any general 40 order made and sent in the manner prescribed by the last-mentioned Acts, and no further proceeding shall be necessary in

such behalf; and as regards any single order of the said Board made in pursuance of the said last-mentioned Acts it shall not be necessary henceforth to send a copy thereof to the clerk to the justices of the petty sessions.

A.D. 1874.

- 5 37. The accounts of every sanitary authority shall be made up in such form and to such day or days in every year as may be appointed by the Local Government Board. The accounts of every rural sanitary authority shall be audited in every respect in the same manner as their accounts are audited in their capacity of guardians.
- 10 38. Every sanitary authority shall have power to direct the destruction of any bedding, clothing, or other articles which have been exposed to infection from any dangerous infectious disorder, and to give compensation for the same.
- 15 39. Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any rule, order, or regulation made by the Local Government Board under section fifty-two of the Sanitary Act, 1866, shall be guilty of an offence punishable on summary conviction, and be liable to a penalty *not exceeding fifty pounds*.

Audit of accounts.

Sanitary authority may order destruction of infectious bedding, &c., and give compensation for same.

Penalty on breach of rules made under sect. 52 of 29 & 30 Vict. c. 90.

20 *Legal Proceedings.*

40. Subject to the provisions of this Act, every sanitary authority shall, as respects the service of notices in pursuance of the Sanitary Acts by or on behalf of or on such authority, and as respects all legal proceedings, matters, and things to be taken or done in
- 25 pursuance of the Sanitary Acts by or on behalf of or to such authority, stand in the same position in all respects in which previously to the passing of this Act, any authority stood whose powers, rights, duties, capacities, liabilities, and obligations are transferred to such authority; and for the purposes of this section a
- 30 joint board shall be deemed to be a sanitary authority.

Legal position of sanitary authority.

41. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed.

Powers given by this Act to be cumulative.

- 35 42. Whereas by an Act passed in the second year of Her Majesty entitled "An Act for the more effectual relief of the destitute poor" in Ireland, it was enacted that no instrument made in pursuance of that Act nor the appointment of any paid officer engaged in the administration of the laws for the relief of the poor or in the
- 40 management or collection of the poor rate shall be charged or

Appointments under 35 & 36 Vict. c. 69, exempt from stamp duty.

A.D. 1874. chargeable with any stamp duty whatever, and it is expedient to extend such exemptions from stamp duty to instruments and to appointments made in pursuance of the provisions of the Local Government Board (Ireland) Act, 1872: Be it enacted, that no instrument made in pursuance of the provisions of the said last-mentioned Act, and no appointment which has been or shall hereafter be made of any paid officer engaged in the administration of the provisions thereof, shall be charged or chargeable with any stamp duty whatever.

Definitions.

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Definitions.

43. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say,

"Borough" means any place for the time being subject to the Act of the session of the third and fourth years of the reign of King William the Fourth, chapter one hundred and eight, intituled "An Act for the regulation of municipal corporations in Ireland," and any Act amending the same:

"Local Government Board" means the Local Government Board for Ireland:

20

"Person" includes any body of persons, whether corporate or unincorporate:

"Labouring Classes Lodging Houses Acts" means 14 & 15 Vict. c. 34 (Labouring Classes Lodging Houses Act, 1851); 29 & 30 Vict. c. 44 (Labouring Classes Lodging Houses and Dwellings Act (Ireland), 1866); 30 & 31 Vict. c. 28 (Labouring Classes Dwelling Houses Act, 1867):

"Artisans and Labourers Dwellings Act" means 31 & 32 Vict. c. 130 (Artisans and Labourers Dwellings Act, 1868):

"Bakehouse Regulation Act" means 26 & 27 Vict. c. 40 (Bakehouse Regulation Act, 1863):

"Diseases Prevention Act" means 18 & 19 Vict. c. 116 (Diseases Prevention Act, 1855), as amended by 23 & 24 Vict. c. 77, ss. 10-12 (An Act to amend the Acts for the removal of nuisances and the prevention of diseases):

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"Baths and Washhouses Acts" means 9 & 10 Vict. c. 74 (An Act to encourage the establishment of public baths and washhouses); 10 & 11 Vict. c. 61 (An Act to amend the Act for the establishment of public baths and washhouses):

"Burial Grounds Acts" means the Burial Grounds (Ireland) Act, 1856, as the same is amended by the 23 & 24 Vict. c. 76:

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"Common Lodging Houses Acts" means 14 & 15 Vict. c. 28 (Common Lodging Houses Act, 1851); 16 & 17 Vict. c. 41 (Common Lodging Houses Act, 1853):

A.D. 1874.

"Sewage Utilization Acts" means 28 & 29 Vict. c. 75 (The Sewage Utilization Act, 1865); 29 & 30 Vict. c. 90 (The Sanitary Act, 1866); 30 & 31 Vict. c. 113 (The Sewage Utilization Act, 1867); 31 & 32 Vict. c. 115 (The Sanitary Act, 1868); 32 & 33 Vict. c. 100 (The Sanitary Loans Act, 1869); 33 & 34 Vict. c. 53 (The Sanitary Act, 1870):

"Nuisances Removal Acts" means 18 & 19 Vict. c. 121 (The Nuisances Removal Act for England, 1855); 23 & 24 Vict. c. 77 (An Act to amend the Acts for the removal of nuisances and the prevention of diseases); 26 & 27 Vict. c. 117 (The Nuisances Removal Act for England (Amendment) Act, 1863); 29 & 30 Vict. c. 41 (The Nuisances Removal Act (No. 1), 1866); 29 & 30 Vict. c. 90 (The Sanitary Act, 1866):

"Sanitary Acts" means all the above-mentioned Acts and this Act, and includes any enactments of such Acts:

"Sanitary purposes" means any objects or purposes of the Sanitary Acts:

"Sanitary authority" means either "urban or rural sanitary authority":

"Lands Clauses Acts" means and includes the Lands Clauses Consolidation Act, 1845, as the same is amended by the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railway Traverse Act:

"Poor Law Acts" means 1 & 2 Vict. c. 56, and the Acts amending the same:

"Medical Charities Acts" means 14 & 15 Vict. c. 68, and the Acts amending the same.

Public Health (Ireland).

A
B I L L

To amend the Law relating to Public
Health in Ireland.

*(Prepared and brought in by
Sir Michael Hicks Beach and Mr. Attorney
General for Ireland)*

*Ordered, by The House of Commons, to be Printed,
27 March 1874.*

[Bill 58.]
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